

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 2099 OF 1987

Sadhana Nitrochem Ltd., .. Plaintiffs.

V/s.

1. M/s.Shakti Chemical Corporation
and others. .. Defendants.

Mrs.Vijaya G.Bhat i/by M/s.Mulla & Mulla for the
Plaintiffs.

CORAM : S. A. BOBDE, J.

DATED : 08th FEBRUARY, 2007.

P.C.:

. The suit was filed as summary suit. On 07.12.1987 the suit was transferred to the list of commercial causes and the defendant was permitted to file a written statement within a period of 12 weeks from that date. Inspite of service of writ of summons, there is no written statement filed on record. Hence, it would be appropriate to proceed in the suit under Order XXXVII, Rule 3, Sub-rule 6 (b) read with Order VIII, Rule 10 of the Code of Civil Procedure.

2. The plaintiffs have sued for prices of various quantities of Nitrobenzene, which were supplied to the Crystal Chemical Industries on account of the defendants. The plaintiffs goods were received and

accepted by the Crystal Chemical Industries. The plaintiffs rely on the delivery challans as evidence of the receipt. The plaintiffs also claim the amount of sales tax on the ground that the defendants have failed to furnish Form No.N-14. The suit is thus for a sum of Rs.5,28,464.01/- with interest on the principal sum of Rs.4,46,500.25/- at the rate of 21% per annum from the date of filing of the suit till payment and /or realisation. The particulars of claim is at Exh.'II' to the plaint.

3. In view of the uncontroverted averments in the plaint and in view of the documents annexed thereto, it is appropriate to grant a decree in the sum of Rs.5,28,464.01/- with interest at the rate of 12% on the principal sum of Rs.4,46,500.25/-.

4. Hence, the suit is decreed against the Defendant Nos. 1 to 3 in terms of the prayer clause (a) with 12% interest on the principal amount from the date of filing of the suit till payment.

5. Decree be drawn up accordingly.

(S.A.BOBDE, J.)

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